

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roderquize Dwayne Chandler,)	C/A No.: 1:17-2532-DCC-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
IH Services,)	
)	
Defendant.)	
)	

Plaintiff, proceeding pro se, filed this action alleging job-related discrimination claims against Defendant. This matter is before the court on Defendant's July 26, 2018, motion to enforce settlement agreement. ECF No. 30.

In the motion, Defendant states that Plaintiff executed a Confidential Settlement Agreement and General Release ("Agreement") on January 24, 2018. ECF No. 30; 30-1 at ¶3. Counsel for Defendant attaches his own affidavit, which states that Defendant made full payment to Plaintiff pursuant to the Agreement. *Id.* at ¶6. Defense counsel further states that he has contacted Plaintiff on several occasions since the Agreement was signed to obtain his signature on a stipulation of dismissal. *Id.* at ¶7. According to defense counsel, Plaintiff has not attempted to rescind the Agreement or expressed interest in continuing to litigate the case. *Id.* at ¶8. Plaintiff stated to defense counsel that he would sign the stipulation of dismissal and mail it to defense counsel, but as of the date of the motion, defense counsel had not received it by mail.

As Plaintiff is proceeding pro se, the court entered an order on July 30, 2018, directing as follows:

Plaintiff is advised that Defendant has filed a motion arguing this case has been settled and he has received full payment under the Settlement

Agreement. Plaintiff is directed to advise the court by August 27, 2018, whether he consents to Defendant's request to dismiss this case or whether he opposes the motion. If Plaintiff opposes the motion, he is directed to provide the court with any facts related to the Settlement Agreement that are in dispute and any legal argument for why this case should not be dismissed. Plaintiff is specifically advised that if he fails to respond adequately, the court may grant Defendant's motion, which may end this case.

ECF No. 32. Notwithstanding the specific warning and instructions set forth in the court's order, Plaintiff failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned dismisses this action with prejudice, as it has been settled, or in the alternative, for Plaintiff's failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.
United States District Judge

August 31, 2018
Spartanburg, South Carolina